

Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13541 OF 2025

Vijay B. Kandhari

... Petitioner

V/s.

Divisional Joint Registrar,
Cooperative Societies, Mumbai Division
& Ors.

... Respondents

Mr. Aditya Lele a/w Hrutvi Nerurkar, for the Petitioner.

Ms. Sulbha D. Chipade, AGP for the State – Respondent
Nos.1 & 2.

Mrs. Arundhati Korale, for Respondent No.3 – society.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 3, 2025

P.C.:

1. Rule.

2. Rule is made returnable forthwith.

3. The petition arises out of proceedings under Section 23(2) of the Maharashtra Cooperative Societies Act, 1960 (“MCS Act”), whereby the membership application filed by the petitioner has been rejected by the Revisional Authority.

4. The petitioner, on the basis of a registered sale deed dated 23 October 2023, applied to Respondent No.3–Society for transfer of the flat and for its membership. The Society refused to grant

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membership on the ground that the petitioner was using the residential premises for commercial purposes. The petitioner challenged the order of the Society by filing an appeal under Section 23(2), which came to be allowed.

5. Aggrieved thereby, the Society filed a revision before the Divisional Joint Registrar, who set aside the order granting membership.

6. The objection raised on behalf of the Society is that the petitioner is using the flat in question for commercial purposes. Considering this, the petitioner has filed an undertaking before the Court stating that he shall not use the said flat for any commercial or non-residential purpose and shall use the premises only for residential purposes. The undertaking is taken on record and marked 'X' for identification. The undertaking is accepted.

7. The objection raised on behalf of the society is that the petitioner is using flat in question for commercial purpose. Considering this, the petitioner has failed an undertaking before the Court stating that the petitioner shall not use the said flat for any commercial or non-residential purpose and shall use the premises for residential purpose only. The undertaking is taken on record and marked 'X' for identification purpose. The undertaking is accepted.

8. In view of the said undertaking, there is no impediment in conferring membership upon the petitioner.

9. Rule made absolute in terms of prayer clause (b).

10. The writ petition stands disposed of in above terms.
11. No order as to costs.

(AMIT BORKAR, J.)